

EXHIBIT 1

to Reply in Support of
Temporary Restraining Order

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MONTANA
MISSOULA DIVISION

FLATHEAD WARMING
CENTER,

Plaintiff,

vs.

CITY OF KALISPELL,

Defendant.

Case No. 9:24-cv-00141

DECLARATION OF TONYA
HORN

1. My name is Tonya Horn. I certify that I am over 18 years of age and competent to make this declaration. I am a citizen of the United States and a resident of Montana.

2. I am the cofounder and Executive Director of the Flathead Warming Center, Plaintiff in the above-entitled case.

3. On September 16, 2024, the City Council of Kalispell voted to revoke the Warming Center's conditional use permit by passing Resolution 6227.

4. I understand the resolution to mean that the Warming Center cannot shelter guests overnight. But the City has never communicated with the Warming Center or our staff about what Resolution 6227 means

for our operations. The City only mailed a copy of the resolution to me after I requested it.

5. The only information we received about Resolution 6227 was through news stories published in the days after the Council's decision. City officials told KPAX News that the Warming Center would be allowed to stay open during the day. They never communicated this position to us.

6. The Warming Center's core mission is to save lives by sheltering guests overnight during the winter. Our mission statement begins with saving lives. The City understands that this is our core mission. In the past, it has brought people to the Warming Center for overnight shelter during winter weather.

7. Because the Council passed Resolution 6227, the Warming Center has had to alter its core mission and operations. Since we can no longer shelter guests overnight, we have had to implement backup plans. Several homeless individuals have come to our property seeking overnight shelter. We have had to change to providing them with food and blankets at the door, but not shelter.

8. These backup plans have required us to change our staff and volunteer schedules and divert resources away from our core mission.

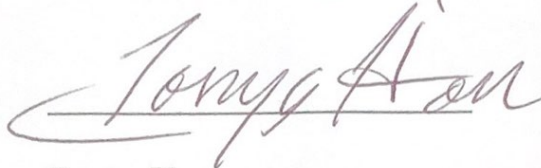
9. Because the Council passed Resolution 6227, the Warming Center will have to make further changes to our operations. If we cannot shelter guests overnight this winter, we will begin delivering food and blankets to homeless individuals sleeping in public spaces in Kalispell. We will also open during the day to provide alternative services to the homeless: space for daytime sleeping, showers, and laundry.

10. To accommodate these backup plans, we will have to adjust our staff and volunteer schedules.

I declare under penalty of perjury that the foregoing is true and correct.

Dated

10-13-24

A handwritten signature in cursive script, reading "Tonya Horn". The signature is written in dark ink and is positioned above the printed name.

Tonya Horn